

Appl. No. 09/643,686
Amendment dated November 12, 2003
Reply to Office Action of August 12, 2003

Remarks

Claims 2-27 are pending in the application, with claim 1 being the independent claim. Claims 24-26 have been withdrawn from consideration.

Based on the present Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

It is noted that this amendment is being submitted concurrently with a Request for Continued Examination. As such, entry of the amendments is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by International Publication No.WO 95/22754 to Lekkala et al. ("Lekkala"). Claim 1 has been canceled in favor of claim 27.

Claim 27 recites "wherein the transmitter comprises a plurality of transmitters activated individually, one after another, and the vessel comprises a multiple arrangement of vessels onto which light rays emitted by the transmitters are respectively focused, and the receiver is a common receiver for recording the fluorescent rays exiting from the individual vessels."

Thus, as required by the claims, the light rays from all transmitters are guided toward the common receiver to be centrally recorded therein. The transmitters are structured to be sequentially activated. As a result, the transmitting light rays emitted by the individual transmitters arrive with a time offset on the receiver and the signals generated in the process on the receiver also have a time offset and thus can be evaluated individually, one after another.

This type of arrangement is a cost-effective design and can be assembled without a great deal of assembly expenditure because only one receiver is assigned to the transmitters. Another advantage is that the signals from all transmitters can be recorded in the common receiver, which results in a particularly reliable signal evaluation because during an evaluation of the signals, systematic error sources can occur as a result of specimen scattering of the receivers, which is

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avoided if only one receiver is used. Another advantage of the arrangement according to the invention is that by activating the individual transmitters sequentially in time, the transmitted light rays are prevented from influencing each other, which would result in erroneous detections.

Granted, Lekkala describes a multiple arrangement of transmitters and analysis vessels. Apart from the fact that the system in Lekkala is based on a different measuring principle than the device according to our invention, Lekkala does not teach the structure of claim 27.

As shown in Figures 4a and 4b of Lekkala, and also described on page 6, the transmitters are assigned several receivers or receiving elements by a CCD line. An arrangement of this type can result in a distortion of the measuring results through a mutual influencing of the individual transmitting light rays that are guided simultaneously to the various receivers. This results in the problem of a correct allocation of the light rays emitted by the individual transmitters to the various receivers. The arrangement consequently involves an undesirably high adjustment and assembly expenditure.

Accordingly, Lekkala fails to teach the claimed invention.

Conclusion

All of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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A Notice of Allowance with claims 2-27 is respectfully requested.

Respectfully submitted,

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